

S.B. 1021Removed by author,
Senator Farabee**CONCLUSION OF SESSION FOR
LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Brooks the Senate at 8:55 o'clock a.m. adjourned until 9:00 o'clock a.m. today.

**FORTY-SEVENTH DAY
(Thursday, April 2, 1981)**

The Senate met at 9:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Andujar, McKnight, Parker.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Our Father, give us the comfort of knowing today that the only people who aren't confused are the ones who aren't thinking clearly. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Glasgow.

Senator Andujar was granted leave of absence for today on account of important business on motion of Senator Snelson.

Senator McKnight was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

C.S.S.B. 979 (Read first time)

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 313 (Amended)
S.B. 381 (Amended)
S.B. 932 (Amended)
S.B. 618 (Amended)
C.S.S.B. 915 (Read first time)
C.S.S.B. 758 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

C.S.S.B. 606 (Read first time)
C.S.S.B. 335 (Read first time)
C.S.S.B. 604 (Read first time)

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Mauzy and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1172 by Mauzy Human Resources
Relating to certification of specialties by the Texas State Board of Examiners of Psychologists.

S.B. 1173 by Brooks, Human Resources
Sarpalius, Doggett
Relating to shelter and services for victims of family violence and funding for these programs; adding Subtitle E to the Human Resources Code and amending Subsection (c), Section 205.03, Alcoholic Beverage Code.

S.B. 1174 by Harris Economic Development
Relating to the reserve requirements of state banks; amending Article 6, Chapter VI, Texas Banking Code of 1943, as amended (Article 342-606, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 1175 by Harris Economic Development
Relating to the time of filing and publishing call reports of state banks; amending Article 9, Chapter II, Texas Banking Code of 1943, as amended (Article 342-209, Vernon's Texas Civil Statutes), and declaring an emergency.

S.B. 1176 by Harris Economic Development
Relating to the qualifications of the Banking Commissioner; amending Article 1, Chapter II, Texas Banking Code of 1943, as amended (Article 342-201, Vernon's Texas Civil Statutes), and declaring an emergency.

S.C.R. 81 by Doggett Administration
Granting Anken Construction Company, Inc., permission to sue the State.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 1170, To Committee on Economic Development.
H.B. 961, To Committee on Natural Resources.
H.B. 1157, To Committee on Intergovernmental Relations.
H.B. 847, To Committee on State Affairs.

GUEST PRESENTED

Senator Caperton was recognized and presented Dr. Ken Davis of Conroe, serving as "Capitol Physician" for today.

Dr. Davis was welcomed as a guest of the Senate.

SENATE BILL 767 WITH HOUSE AMENDMENTS

Senator Farabee called **S.B. 767** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Davis

Amend **S.B. 767** at page 4, on line 4, by inserting between the words "lots" and "within" the following words:

"in such plat".

Committee Amendment No. 2 - Davis

Amend **S.B. 767** by deleting from line 8 on page 4 the words: "the owners of 20 percent, or more," and inserting in lieu thereof the following:

"20 percent, or more, of the owners, to whom notice is required to be given,".

Committee Amendment No. 3 - Davis

Amend the caption of **S.B. 767** to read as follows:

A BILL TO BE ENTITLED

AN ACT

relating to the platting and replatting and recording of real estate subdivisions.

Floor Amendment No. 1 - Evans

Amend **S.B. 767** by renumbering Sections 2-5 of the bill as Sections 4-7 and inserting new Sections 2 and 3 to read as follows:

SECTION 2. Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 974a, Vernon's Texas Civil Statutes), is amended by adding Section 1A to read as follows:

Sec. 1A. The requirement of this Act that a plat be made and recorded does not apply to an owner of a tract of land that is located entirely within an incorporated city or town having a population of ten thousand (10,000) or fewer persons, according to the most recent federal census, and that is divided into parts which is (sic) larger than two and one-half (2-1/2) acres.

SECTION 3. Section 1A, Chapter 231, Acts of the 40th Legislature, Regular Session, 1927 (Article 974a, Vernon's Texas Civil Statutes), as added by this Act, does not affect divisions of land occurring before the effective date of this Act. The prior divisions of land are governed by the law as it existed at the time of the divisions, and the prior law is continued in force for this purpose as if this Act did not exist.

The amendments were read.

Senator Farabee moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 767** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Farabee, Chairman; Doggett, Meier, Jones, Caperton.

CONSIDERATION OF NOMINATIONS

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. Notice of submission of these names was given by Senator McKnight yesterday.

Senator Brooks moved confirmation of the nominees as reported from the Subcommittee on Nominations. The report was filed yesterday.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The nominees reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 26, Nays 0.

Absent: Meier, Santiesteban.

Absent-excused: Andujar, McKnight, Parker.

SENATE CONCURRENT RESOLUTION 53 ON SECOND READING

Senator Sarpalius moved to suspend the regular order of business to take up for consideration at this time:

S.C.R. 53, Requesting Congress not to adopt the split-basing mode for the M-X missile system.

The motion prevailed by the following vote: Yeas 22, Nays 4.

Yeas: Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Meier, Mengden, Ogg, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Leedom, Mauzy, Travis.

Absent: Richards, Santiesteban.

Absent-excused: Andujar, McKnight, Parker.

The resolution was read second time and was adopted.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the resolution.

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolution:

S.B. 605

S.B. 530

S.C.R. 80

CO-AUTHOR OF SENATE BILL 335

On motion of Senator Williams and by unanimous consent, Senator Doggett will be shown as Co-author of **S.B. 335**.

CO-AUTHOR OF SENATE BILL 477

On motion of Senator Truan and by unanimous consent, Senator Brooks will be shown as Co-author of **S.B. 477**.

CO-AUTHOR OF SENATE BILL 880

On motion of Senator Brooks and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 880**.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 95 ON SECOND READING**

Senator Truan moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 95, Relating to an internal system of advocacy for clients of the Texas Department of Mental Health and Mental Retardation.

The motion was lost by the following vote: Yeas 11, Nays 15.

Yeas: Brooks, Caperton, Doggett, Glasgow, Kothmann, Mauzy, Ogg, Truan, Uribe, Vale, Williams.

Nays: Blake, Brown, Farabee, Harris, Howard, Jones, Leedom, Meier, Mengden, Sarpalius, Short, Snelson, Traeger, Travis, Wilson.

Absent: Richards, Santiesteban.

Absent-excused: Andujar, McKnight, Parker.

COMMITTEE SUBSTITUTE HOUSE BILL 629 ON SECOND READING

Senator Jones moved to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 629, Relating to the maximum rate of interest for bonds and other obligations and evidences of indebtedness of state and local government and nonprofit entities that are instrumentalities of or act on behalf of state or local government. (Submitted by Governor as an emergency)

The motion prevailed by the following vote: Yeas 24, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mengden, Ogg, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Mauzy, Meier.

Absent: Richards, Santiesteban.

Absent-excused: Andujar, McKnight, Parker.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Mauzy and Meier asked to be recorded as voting "Nay" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 629 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 629** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mengden, Ogg, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Mauzy, Meier.

Absent: Richards, Santiesteban.

Absent-excused: Andujar, McKnight, Parker.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 2. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 388 ON THIRD READING

Senator Doggett moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 388, Relating to tape recording of closed meetings by governmental bodies with statewide jurisdiction; providing a penalty.

The motion prevailed by the following vote: Yeas 21, Nays 6, Present-not voting 1.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Howard, Kothmann, Mauzy, Meier, Mengden, Ogg, Santiesteban, Sarpalius, Short, Traeger, Truan, Uribe, Vale, Williams.

Nays: Harris, Jones, Richards, Snelson, Travis, Wilson.

Present-not voting: Leedom.

Absent-excused: Andujar, McKnight, Parker.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 6, Present-not voting 1. (Same as previous roll call)

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 462 ON SECOND READING

Senator Glasgow moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 462, Relating to the authority of municipalities over areas in which airport hazards are located.

On motion of Senator Glasgow and by unanimous consent, the motion to suspend the regular order was withdrawn.

COMMITTEE SUBSTITUTE SENATE BILL 126 ON SECOND READING

Senator Kothmann moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 126, Relating to the penalties for certain offenses committed against children. (Submitted by Governor as an emergency)

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, McKnight, Parker.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend **C.S.S.B. 126** by striking Section 5. and substituting in lieu thereof the following:

"Section 5. This Act applies only to offenses committed on or after its effective date. A criminal action for an offense committed before this Act's effective date is governed by the law in existence before the effective date, and that law is continued in effect for this purpose as if this Act were not in force. For the purposes of this section, an offense is committed on or after the effective date of the Act if every element of the offense occurs on or after the effective date."

The amendment was read and was adopted.

On motion of Senator Kothmann and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 126 ON THIRD READING

Senator Kothmann moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 126** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, McKnight, Parker.

The bill was read third time and was passed.

SENATE BILL 259 ON SECOND READING

Senator Santiesteban asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 259, Relating to the service of subpoenas in criminal cases.

There was objection.

Senator Santiesteban then moved to suspend the regular order of business and take up **S.B. 259** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 7.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Harris, Kothmann, Leedom, Mauzy, Meier, Ogg, Richards, Santiesteban, Travis, Truan, Uribe, Vale, Williams.

Nays: Glasgow, Howard, Jones, Mengden, Short, Traeger, Wilson.

Absent: Sarpalius, Snelson.

Absent-excused: Andujar, McKnight, Parker.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Howard and Mengden asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 259 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 259 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 21, Nays 5.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Richards, Santiesteban, Travis, Truan, Uribe, Vale, Williams.

Nays: Howard, Jones, Short, Traeger, Wilson.

Absent: Sarpalius, Snelson.

Absent-excused: Andujar, McKnight, Parker.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Mengden asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE JOINT RESOLUTION 51 ON SECOND READING

Senator Williams asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.J.R. 51, Amending Article III of the Texas Constitution to provide that interest rates on veterans land bonds shall be determined by the governing body of the issuer, but not to exceed 10% per annum unless approved by the legislature.

There was objection.

Senator Williams then moved to suspend the regular order of business and take up S.J.R. 51 for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Howard, Mauzy.

Absent: Snelson.

Absent-excused: Andujar, McKnight, Parker.

The resolution was read second time.

Senator Howard offered the following amendment to the resolution:

Amend S.J.R. 51 by striking the words "1981" on line 32 and substituting "1982".

The amendment was read and was adopted.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

SENATE JOINT RESOLUTION 51 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 51 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Mauzy.

Absent: Snelson.

Absent-excused: Andujar, McKnight, Parker.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 1. (Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber
April 2, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 5, Declaring a state policy regarding benefit increases by retirement.
(With amendment)

S.C.R. 59, Extending an invitation to the Honorable John G. Tower to address a Joint Session of the Legislature.

H.C.R. 56, Requesting Congress to expedite the Clear Creek Flood Control Project.

H.C.R. 61, Requesting Department of Mental Health and Mental Retardation to place additional emphasis on crisis counseling.

H.C.R. 81, Requesting the Texas Tech Board of Regents to name Permian Basin Regional Academic Health Center for Richard C. Slack.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE JOINT RESOLUTION 52 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 52, Proposing a constitutional amendment to authorize the issuance of additional bonds of the state for the veterans' land fund.

The resolution was read second time and was passed to engrossment.

SENATE JOINT RESOLUTION 52 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 52** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, McKnight, Parker.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, McKnight, Parker.

COMMITTEE SUBSTITUTE SENATE BILL 462 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 462, Relating to the authority of municipalities over areas in which airport hazards are located.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 462 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 462** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Snelson.

Absent-excused: Andujar, McKnight, Parker.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Snelson.

Absent-excused: Andujar, McKnight, Parker.

SENATE BILL 60 ON SECOND READING

Senator Brooks moved to suspend the regular order of business to take up for consideration at this time:

S.B. 60, Relating to continuation of the Texas State Board of Examiners of Licensed Psychotherapists, formerly known as the Texas State Board of Examiners in Social Psychotherapy, and regulation of psychotherapists, formerly known as social psychotherapists.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Mauzy, Meier, Ogg, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams.

Nays: Blake, Brown, Howard, Jones, Leedom, Mengden, Richards, Travis, Wilson.

Absent-excused: Andujar, McKnight, Parker.

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 7.

Yeas: Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Leedom, Mauzy, Meier, Ogg, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams.

Nays: Blake, Howard, Jones, Mengden, Richards, Travis, Wilson.

Absent-excused: Andujar, McKnight, Parker.

SENATE BILL 60 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 60** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams.

Nays: Blake, Howard, Jones, Travis, Wilson.

Absent-excused: Andujar, McKnight, Parker.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 5. (Same as previous roll call)

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 455 - By Caperton: Extending welcome to Dr. Ken Davis, "Capitol Physician" for the day.

S.R. 456 - By Caperton: Extending congratulations to Mr. and Mrs. T. W. Gouger.

S.R. 457 - By Wilson: Extending welcome to the students from the Texas Jaycees Campus of Victoria College in Warm Springs.

ADJOURNMENT

On motion of Senator Brooks the Senate at 10:43 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, April 6, 1981.